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William Senior (1862-1937), Legal Historian

by WILLIAM HAMILTON BRYSON*

Upon receiving from Clare College, Cambridge, a William Senior scholarship to continue my studies in legal history, I enquired about the man whose generosity was being extended to me. No one knew anything about him. Therefore, I collected the information for this short piece as much out of curiosity as piety. Having done so, I discovered a legal historian and scholar of moderate proportions who does not deserve such complete neglect. Had he been a teacher or a politician, my efforts might have been rewarded by the discovery of more personal information about the man himself. As it is, very little beyond his vital statistics is known, and so we must concentrate upon his scholarly remains. The purpose of this article, therefore, is to rescue from oblivion the scholarship of William Senior for the benefit of modern legal historians and to further publicize the existence of this fund of money which he bequeathed for the encouragement of the study of legal history.

William Senior was born in 1862 in Wakefield, Yorkshire, the son of Thomas Senior, a solicitor who practiced in Wakefield and Bradford.¹ He was admitted to Clare College, Cambridge, in 1879 and took his B.A. from the university three years later. In 1886 he was admitted to the Law Society as a solicitor. From 1888 to 1890 he practiced law alone in his native Wakefield, and for the next following five years he pursued his profession in partnership with his father and their next-door neighbor, Percival Barratt.²

In 1891 Senior published his first work: *Tutor and Pupils: talks about twelve law maxims*.³ However, he never restricted his interests to the field of law, and during the year 1893, at least, he was a member of the Yorkshire Archaeological Society.⁴ In the

*Senior Fellow, Clare College, Cambridge University, England.

1. J. A. Venn, *Alumni Cantabrigienses* (1953), part 2, vol. 5, p. 464 erroneously states that he attended Dulwich College, but that was a William Senior born in 1860 whose father was John Senior, a solicitor of West Dulwich and London: see *Law Lists* (1875-1880).

2. *Law Lists* (1886-1896); *Kelly's Directory of the West Riding of Yorkshire* 1893 (1892), pp. 866, 886.

3. See the bibliography at the end of this article.

4. See the list of members in *Yorkshire Archaeological Journal*, vol. 12, p. xii (1893).

following year his second book appeared: *The Old Wakefield Theatre*, a short memoir and chronicle of this provincial theater and of the various companies which performed there.

In 1895, after the death of his father,⁵ William Senior gave up his Yorkshire practice and moved to London. On 11 November, 1895, at his own request, his name was stricken from the rolls of the Law Society by order of the master of the rolls;⁶ this was the normal method of resignation. He was admitted to the Middle Temple within a fortnight and on 29 April, 1896, was called to the bar.⁷ The details, even the very nature, of his practice remain hidden in obscurity.

From 1902 through 1908, Senior was a regular contributor to *Punch*. Possibly he may have written for this magazine before 1902, when the indices, the only indication of authorship, first began to be made. His popular writings were short, witty sketches that mildly satirized the foibles and customs of his contemporaries. Among the contributions to *Punch* are a few poems, and much later, 1926 to 1929, he had three poems published in the *English Review*. After 1910 he ceased altogether to write for *Punch*. None of these pieces touch on legal topics, and no more need be said about them.

After 1910, Senior's interests turned to maritime affairs. He was a regular and faithful contributor to the *Mariner's Mirror* from its inception in 1911 through 1913 and thereby greatly aided the establishment of this journal. From January, 1913, to November, 1919, he served on its editorial committee. He continued to write for it, and by 1930 had had nine additional articles to appear in it. He was also a member of the council of the Society for Nautical Research from 1912 through 1927 with only a brief interruption in 1922-1923.

Senior was particularly interested in questions of maritime law, but he also wrote on general problems relating to the navy and the merchant marine. Much of his research was done in original sources at the Public Record Office; and his articles, most of which appeared in the *Mariner's Mirror* and the *Law Quarterly Review*, dealt with such aspects of the maritime courts as their judges and lawyers and the disputes and trials there. He was also very occupied with old books written on these subjects.

5. Thomas Senior died at Wakefield on 11 January, 1892, and his will was proved on 31 March, 1892; he left an estate of about £11,000 to his widow, son, and daughter Mrs. Mary Ellen Roberts.

6. I would like to thank F. P. Richardson, Esq., F.L.A., Librarian of the Law Society, for giving me the details of Senior's practice as a solicitor.

7. H. A. C. Sturgess, *Register of Admissions to the Honourable Society of the Middle Temple* (1949), vol. 2, p. 706.

The articles which Senior wrote for the *Mariner's Mirror* are quite short and as a consequence not very deep. Their brevity was dictated by the policy of the journal to limit all contributions to four and later six pages.⁸ One cannot be too critical of Senior for failing to get up much intellectual momentum in so short a space. On the other hand, the eight articles which were published in the *Law Quarterly Review* before 1930 are quite substantial and contain his most important work. They are the product of original research in the primary sources. This body of work is a significant contribution to knowledge, and it is of value to the modern scholar of legal history.

Senior's third book, *Doctors' Commons*, was published in 1922. Of the five chapters of this work, the central three had already appeared as articles in the *Law Quarterly Review*; the first and last only were new. He added several paragraphs here and there to the three articles and took the introductory paragraph of each article and reworked it into the conclusion of the preceding chapter of the book. This helped the continuity of the book; nevertheless, one cannot help but feel that the book is only a collection of topically related essays. The title of the book is misleading, as Roscoe and other reviewers pointed out; therefore, in the bibliography below, I have included the chapter headings in order to give a clearer idea of the contents of the volume. In his preface, Senior explains the scope of the book and resiles a bit from the title.

Doctors' Commons is legal history for the layman. It is anecdotal and draws upon a wide range of sources: legal and non-legal, primary and secondary, French and Latin, Italian and German. It is of general interest, and it is a modest contribution to legal scholarship.

William Senior's next and final book, *Naval History in the Law Courts*, appeared in 1927. The subtitle correctly indicates that this little book is only a selection of old maritime cases. It is a collection of ten unconnected essays, of which eight had already been printed in the form of articles. Some of the shorter ones were enlarged a bit, but all of the footnotes were omitted for their re-appearance in book form. Written solely for the amusement of persons who have an interest in nautical matters, the *Naval History* is a compilation of miscellaneous incidents none of which is of overwhelming historical significance. However, they may be of use to scholars as examples of typical situations concerning simple seamen. Frequently the fate of an insignificant person can shed much light upon the actual workings of the law in practice.

8. Notices, *Mariner's Mirror*, vol. 1, part 1, inside back cover; vol. 4, part 4, inside back cover.

From his interest in English maritime courts, admiralty law, and naval matters, Senior was led to maritime law in general. The laws and conventions of the sea are customs common to western Europe. They are based upon the classical Roman law as codified under Justinian and interpreted for contemporary use by the mediaeval jurists, who settled in the universities of northern Italy. From 1930 until his death in 1937, Senior devoted himself to this newly found field. During this period he wrote an average of one article a year for the *Law Quarterly Review*.

These eight articles are short pieces about various Italian jurists and the contacts of these men and of the Roman civil law with mediaeval England. They were written from secondary sources for the practicing lawyer who had studied only classical Roman law and modern English common law. Mediaeval Roman or civil law was not a part of the university curriculum. These articles, like Senior's earlier writing, are conversational in style. They were written as an introduction to the subject and were not intended to be exhaustive. The purpose in writing them was to provide an educated diversion and perhaps to stimulate an interest in deeper reading elsewhere.

William Senior died on 28 January, 1937, at his home in London.⁹ He was 75 years old and had never married. In his will he made a few small bequests to former friends and servants and to the Middle Temple for books for their library. The residuary legatee was Clare College, which received approximately £46,000 "for the furtherance of the studies of legal history and comparative law."

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Chap. 1: Drake at the Suit of Doughty

Chap. 2: Sallee Rovers at Winchester [new]

Chap. 3: The Battle of New Brighton

Chap. 4: The Casting Away of the *Adventure*

Chap. 5: Neptune as Defendant

Chap. 6: The Marooning of Robert Jeffery

Chap. 7: The Cruise of the *Pylades*

Chap. 8: The *Felicidade* [new]

Chap. 9: An Act of State

Chap. 10: The Illeanon Pirates

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